

00050.105200 (J-3782)

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Matthew S. Montei, et al.

Application No.: 10/632,164

Filed: August 1, 2003

For: LUMINARY PRODUCT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

) Examiner: Not Assigned

) Group Art Unit: 2875

) May 11, 2004

**FOR U.S.P.T.O. USE ONLY**

(Granted or Denied)

Rule 1.136(a) Petition: \_\_\_\_\_

Rule 1.136(b) Petition: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Combined**  
**PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136(a)**  
**and**  
**PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136(b)**

Sir:

Applicants received a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION ("Notice"), dated October 28, 2003, in the above-identified application. The Notice set forth a non-statutory reply period of two months (i.e., until December 28, 2003).

For reasons explained below, Applicants request both (i) an extension of time of five months (i.e., from December 28, 2003, to May 28, 2004) under 37 C.F.R. § 1.136(a), and (ii) an additional extension of time of three months (i.e., from May 28, 2004, to August 28, 2004) under 37 C.F.R. § 1.136(b), in order to file a reply to the Notice.

A check in the amount of \$2,010.00 is enclosed for payment of the five-month extension request under 37 C.F.R. § 1.136(a). No fee is believed required for the three-month extension request under 37 C.F.R. § 1.136(b). However, the Director is

authorized to charge any fees associated with these requests for extensions of time, or credit any overpayment, to Deposit Account No. 06-1205. A duplicate of this paper is enclosed for that purpose.

**Reasons Showing Sufficient Cause  
for Additional 3-Month Extension of Time**

The reasons for requesting the additional three-month extension of time under 37 C.F.R. § 1.136(b) to file a reply to the Notice are as follows.

One of the joint inventors, Anthony G. Micele, Jr., died before the above-identified application was filed, and before he signed an inventor's Declaration. At the time of his death, Mr. Micele had been employed by and contractually obligated to assign his rights in this application to S.C. Johnson & Son, Inc., of Racine, Wisconsin. S.C. Johnson is in the process of petitioning Wisconsin's Kenosha County Circuit Court to appoint a special administrator with specific power to sign an inventor's Declaration on behalf of Mr. Micele. This process may take at least until August 28, 2004, to complete, because of public notice requirements, hearings, and other formal legal procedures subject to the court's discretion.

S.C. Johnson was unable to begin the aforementioned petitioning process until after April 6, 2004, because it was unable to confirm that Mr. Micele was an actual inventor until that date, as explained below.

This application was filed on August 1, 2003. By September of 2003, S.C. Johnson had discovered that, without information known only to Mr. Micele and one of its contract manufacturers, ARC International of Arques, France, S.C. Johnson could not identify the actual inventors. On October 28, 2003, S.C. Johnson contacted ARC's outside patent counsel and requested any and all information known to ARC regarding inventorship in this application. (The PTO also mailed the Notice on that date.) After repeated requests by S.C. Johnson's undersigned representative of ARC's outside patent

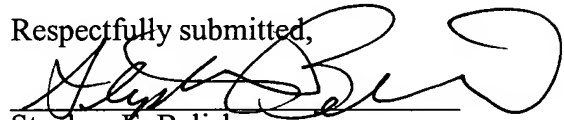
counsel, on December 22, 2003, ARC's outside patent counsel informed S.C. Johnson's undersigned representative that inquiries of ARC's employees in France were ongoing. On February 27, 2004, ARC's outside patent counsel provided S.C. Johnson with the information he had obtained. However, S.C. Johnson believed that more information existed and was necessary for a determination of inventorship, and in March of 2004, S.C. Johnson requested to meet with certain ARC employees and their patent counsel regarding inventorship. That meeting was held on April 6, 2004, in Racine, Wisconsin. Based on information learned during that meeting, S.C. Johnson confirmed that Mr. Micele was a joint inventor in this application.

\* \* \*

Applicants submit that the facts set forth above establish sufficient cause for extending the time period for reply to the Notice by an additional three months, from May 28, 2004, to August 28, 2004. Applicants request favorable consideration of their combined petitions.

Applicants' undersigned attorney can be reached in the Washington, D.C. office of Fitzpatrick, Cella, Harper & Scinto by telephone at (202) 530-1010. All correspondence should be directed to the address given below for S.C. Johnson & Son, Inc.

Respectfully submitted,



Stephen E. Belisle  
Registration No. 46,546  
Attorney for Applicants

S.C. Johnson & Son, Inc.  
Patent Section, M.S. 077  
1525 Howe Street  
Racine, Wisconsin 53403

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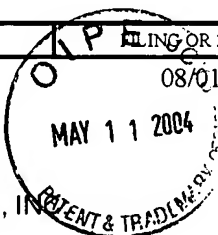
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/632,164	08/01/2003	Matthew S. Montei	J-3782

28165

S.C. JOHNSON & SON, INC.  
 1525 HOWE STREET  
 RACINE, WI 53403-2236



CONFIRMATION NO. 1885

## FORMALITIES LETTER



\*OC00000011119569\*

Date Mailed: 10/28/2003

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

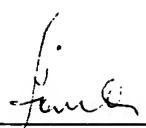
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to be "f. m. c.", is written above a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE